

MONTANA LEGISLATIVE HISTORY

Chapter 63 ~~#2001~~

Bill H 80 S _____

Original bill & history ☒ c

H. Committee on Local Gov't

Hearing Date(s) _____ c

1/16 ☒ c

_____ c

_____ c

Date Out

1/18 ☒ c

S. Committee on State Admin.

Hearing Date(s) _____ c

2/12 ☒ c

_____ c

_____ c

2/14 ☒ c

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/19 Chapter Number Assigned
 Chapter Number 72
 Effective Date: 10/01/2001 - All Sections

HB 79 Introduced by B. Thomas

LC0317 Drafter: Fox

Revise Personal Care Facility Laws

By Request of Department of Public Health and Human Services

12/13 Introduced
 12/26 Referred to Human Services
 1/08 Hearing
 1/26 Tabled in Committee
 2/23 Missed Deadline for General Bill Transmittal

HB 80 Introduced by Smith

LC0469 Drafter: Niss

Require Local Residential Address for Voter Registration

12/13	Introduced		
12/26	Referred to Judiciary		
1/04	Rereferred to Local Government		
1/16	Hearing		
1/19	Committee Executive Action--Bill Passed	10	8
1/19	Committee Report--Bill Passed		
1/24	2nd Reading Passed	57	43
1/25	3rd Reading Passed	68	32
	Transmitted to Senate		
1/26	Referred to State Administration		
2/12	Hearing		
2/15	Committee Executive Action--Bill Concurred	5	3
2/15	Committee Report--Bill Concurred		
3/01	2nd Reading Concurred	35	14
3/02	3rd Reading Concurred	34	14
	Returned to House		
3/03	Sent to Enrolling		
3/05	Returned from Enrolling		
3/06	Signed by Speaker		
3/07	Signed by President		
3/07	Transmitted to Governor		
3/16	Signed by Governor		
3/16	Chapter Number Assigned		
	Chapter Number 63		
	Effective Date: 10/01/2001 - All Sections		

HB 81 Introduced by J. Andersen

LC0548 Drafter: MacMaster

Student Alcohol , Tobacco , & Drug Testing for Extra Curricular Activities

11/17 Fiscal Note Needed
 12/13 Introduced
 12/18 Fiscal Note Requested
 12/26 Referred to Human Services
 1/04 Fiscal Note Received
 1/08 Hearing
 1/08 Fiscal Note Printed

HOUSE BILL NO. 80

INTRODUCED BY F. SMITH

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN ELECTOR TO FURNISH THE ELECTOR'S RESIDENTIAL STREET OR RURAL ADDRESS OR OTHER RESIDENTIAL LOCATION INFORMATION TO THE ELECTION ADMINISTRATOR; AND PROHIBITING THE ELECTION ADMINISTRATOR FROM REGISTERING AN ELECTOR WHO DOES NOT PROVIDE THE REQUIRED ADDRESS OR OTHER INFORMATION."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Elector to furnish residential address -- prohibiting registration for failure to provide address. (1) An elector shall provide the election administrator with the elector's current street address, rural address, or, if neither of those addresses is available, other specific geographic location information from which the location of the elector's residence may be easily determined by the election administrator.

(2) The election administrator may not register an elector who fails to provide the information required by subsection (1).

NEW SECTION. Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 2, and the provisions of Title 13, chapter 2, apply to [section 1].

- END -

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By **CHAIRMAN MARK NOENNIG**, on January 16, 2001 at
3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Rod Bitney, Vice Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: None.

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 55 (HB 80, 1/11/2001)
Executive Action: HB 59

Elaine Gravely, Secretary of State Office. Our agency is here to answer questions. {Tape : 1; Side : A; Approx. Time Counter : 15.1 - 18.5}

Questions from Committee Members and Responses: Reps. Liable, Lee, Noennig, Anderson and Mangan questioned Mr. Throssell about the current process. Mr. Throssell gave a detailed overview of how the system currently works and the problems this bill could cause. {Tape : 1; Side : A; Approx. Time Counter : 18.5 - 30} {Tape : 1; Side : B; Approx. Time Counter : 0 - 16.2}

Closing by Sponsor: Rep. Juneau explained the need for this bill, by citing personal experiences. {Tape : 1; Side : B; Approx. Time Counter : 16.2 - 22.3}

HEARING ON HB 80

Sponsor: Rep. Frank Smith, HD 98

Proponents: Robert Throssell, MT Association of Clerk and
Recorders
Sue Haverfield, Flathead County
Jane Jelinski, MACO

Opponents: None

Opening Statement by Sponsor: Rep. Smith explained that this is a housekeeping bill requested by the Clerk and Recorders. The bill would require that a voter must give his or her physical address to register to vote. EXHIBIT(1) {Tape : 1; Side : B; Approx. Time Counter : 22.3 - 26.2}

Proponents' Testimony: Robert Throssell, Association of Clerk and Recorders. We support HB 80. This would correct the problem of getting voters into the right district. {Tape : 1; Side : B; Approx. Time Counter : 26.2 - 28.6}

Sue Haverfield, Flathead County Clerk and Recorder. This bill would make our job easier and we support HB 80. {Tape : 1; Side : B; Approx. Time Counter : 28.6 - 30}

Jane Jelinski, MACO. We support this legislation. {Tape : 2; Side : A; Approx. Time Counter : 0 - 0.9}

Opponents' Testimony: None

Informational Testimony: Elaine Gravely, MT Secretary of State. I am here to answer questions. {Tape : 2; Side : A; Approx. Time Counter : 0.9 - 1.1}

Questions from Committee Members and Responses: Reps. Esp, Bitney and Liable question the witnesses regarding the need for this bill. The witnesses explained they needed the physical address in order to be certain the voter was registered in the correct district. {Tape : 2; Side : A; Approx. Time Counter : 1.1 - 7.5}

Closing by Sponsor: Rep. Smith closed HB 80. {Tape : 2; Side : A; Approx. Time Counter : 7.5 - 8.1}

EXECUTIVE ACTION ON HB 59

Motion: REP. MANGAN moved that HB 59 DO PASS.

Motion: REP. MANGAN moved that HB 59 BE AMENDED. EXHIBIT(2)

Motion: REP. BITNEY moved that the AMENDMENT BE SEGREGATED. Amendment 1,2 and 4 in one group and 3 in another group.

Vote: Motion for amendments 1, 2, and 4 carried 17-1 with Lawson voting no.

Vote for amendment 3 failed 7-11 with Mangan, Lawson, Newman, Laslovich, Carney and Lee voting yes.

Motion: REP. NEWMAN moved that Action on HB 59 BE POSTPONED.

Substitute Motion/Vote: REP. YOUNKIN moved that HB 59 BE TABLED. Motion carried 10-8 with Carney, Cyr, Jacobson, Laslovich, Lawson, Lee, Mangan and Newman voting no. {Tape : 2; Side : A; Approx. Time Counter : 8.1 - 17.2} {Tape : 2; Side : B; Approx. Time Counter : 0 - 7}

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON LOCAL GOVERNMENT**

Call to Order: By **CHAIRMAN MARK NOENNIG**, on January 18, 2001 at 3:00 P.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Mark Noennig, Chairman (R)
Rep. Jeff Mangan, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Eileen Carney (D)
Rep. Larry Cyr (D)
Rep. John Esp (R)
Rep. Dennis Himmelberger (R)
Rep. Hal Jacobson (D)
Rep. Rick Laible (R)
Rep. Jesse Laslovich (D)
Rep. Bob Lawson (R)
Rep. Michelle Lee (D)
Rep. Brad Newman (D)
Rep. Ken Peterson (R)
Rep. William Price (R)
Rep. James Whitaker (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Rod Bitney, Vice Chairman (R)

Members Absent: None.

Staff Present: Eddy McClure, Legislative Branch
Pati O'Reilly, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 221, 1/18/2001; HB 190,
1/18/2001

Executive Action: HB 83; HB 80, HB 27: HB 221

HEARING ON HB 190

Sponsor: Representative John Witt, HD 89

The committee wants the amendment to say "it provides for exceptions for approved activities" on line 16. Some of the exceptions are provided in the packet. The draft from Rep. Musgrove on line 23 says that you can be punished by a fine of \$75 or by a sentence of 10 hrs of community service, or both. In title 45, section 1, it says you have to prove a mental state to prosecute. The problem with this is you can't levy a fine and have community service, or both. Musgrove decided to have it be an absolute liability crime, which means someone violating the law is automatically guilty without having to prove a mental state.

Rep. Younkin asked if the statute in existing law, has a provision for the absolute liability. Does it mean that the county attorney would have made an adjustment. Mangan states that it doesn't have an absolute liability.

Motion/Vote: REP. YOUNKIN moved that HB 27 BE AMENDED. Motion carried unanimously. EXHIBIT(6) {Tape : 2; Side : A; Approx. Time Counter : 3.7 - 10.6}

Motion/Vote: REP. MANGAN moved that HB 27 DO PASS AS AMENDED. Motion carried 16-2 with Lee and Andersen voting no. {Tape : 2; Side : A; Approx. Time Counter : 10.6 - 11.9}

EXECUTIVE ACTION ON HB 80

Motion: Representative Mangan moved that HB 80 DO PASS {Tape : 2; Side : A; Approx. Time Counter : 11.9 - 12.5}

Discussion:

Rep. Mangan states that this bill requires people to give their location address, and not just their post address when they register.

Rep. Newman wants to know why the change will assist in the identification of the people. He wants to know if they will gain anything from it. Rep. Younkin states that the best example is on the board of registration card. She wants to know how you determine the precincts of the individual you are mailing too, if there isn't a postal address available. Rep. Andersen said it shouldn't be a problem for people who live in the same house as there is a permanent physical address. It is important for the election administrator to know what precinct you live in. Rep. Laible doesn't think the intent of the bill is to increase the number of voters, but instead to identify the voters. Rep. Peterson made it clear that all the examples that have been shown are for people on

the reservations. We have no control over the people on these reservations, except to give notice.

Rep. Laslovich asked what the bill does. **Rep. Mangan** replied, that it isn't a bill to increase the ability to vote, but instead, educating individuals to properly identify themselves on the registration cards. They need to declare specific address. The answer is education on the reservation or anywhere. The other section of the bill states that they have to complete an application.

Rep. Price said that he agrees with **Rep. Mangan** about the focus on education that this bill presents. Many residents of the reservations don't have addresses or don't give out their addresses. **Rep. Laible** responds by disagreeing with the last comment. What the bill does is clearly identify what has to take place for the proper notification to correctly identify an address. This will help the education process and reservations to obtain proper information. **Rep. Mangan** is concerned with lines 16 and 17 and wants them to be amended and erased in their entirety.

Rep. Esp asked why he would want to amend the bill. **Rep. Mangan** replies by saying that it will stay more consistent with sections 13-203. The form complies with what sub-section one says. There are a few issues. Do you want the law to require this form to be used, because it currently doesn't require it. What should happen if they don't? **Eddy** doesn't know off the top of her head. **Rep. Esp** said that having your permanent address on the registration isn't a state-wide policy, and this bill stands for that procedure. He now believes that lines 16-17 are necessary to make the bill clear.

Rep. Laible is concerned that someone would turn in their registration, unaware that they filled it out wrong, making them ineligible to vote. This way it is the obligation of the clerk and recorder.

Rep. Peterson thinks the entire bill is unnecessary, under the current law, and needs to be worded differently.

Rep. Mangan said that he supports the amendment.

Rep. Lee said in her county, if you aren't registered properly, they will send the card back to you saying your not registered to vote.

Rep. Esp said that the other safeguard he has seen on forms is township and range methods. {Tape : 2; Side : A; Approx. Time Counter : 12.5 - 25.7}

Motion/Vote: REP. MANGAN moved that HB 80 BE AMENDED. Motion failed 2-16.

Rep. Younkin wanted to support the bill as it's written. It will let clerk and recorders know that they don't register someone if they don't have the information.

Rep. Peterson is speaking against the bill. He doesn't want to give the recorder an excuse to get rid of the card, but instead wants them to send it back.

Rep. Laible is speaking in support of the bill. It will streamline the process of finding permanent addresses and also give county clerks and recorders some sort of direction, which seems to be lacking.

Rep. Mangan urges the committee to be against the bill. He thinks the bill will have a negative effect by hurting voter registration and be detrimental to some voters. Secondly, it gives the power to obtain information without being registered to vote.

Rep. Newman is against the bill. He believes that the direction headed in the statute will also mandate that the election administrator will refuse to register these people, and doesn't want to lose voters as a result.

Rep. Esp said that counties vary in ways they deal with registration.

Rep. Younkin believes that there is procedure and statute if there is insufficient information. She thinks that the clerks and recorders will continue to do what is needed to get the proper addresses, and not just stop at that.

Motion/Vote: REP. MANGAN moved that HB 80 DO PASS. Motion carried 10-8 with Mangan, Himmelberger, Newman, Laslovich, Jacobson, Price, Peterson and Lee voting no. {Tape : 2; Side : A; Approx. Time Counter : 25.7 - 30} {Tape : 2; Side : B; Approx. Time Counter : 0 - 15}

EXECUTIVE ACTION ON HB 221

Motion: Rep. Younkin moved that HB 221 DO PASS

Motion/Vote: REP. YOUNKIN moved that HB 221 DO PASS. Motion carried 18-0. {Tape : 2; Side : B; Approx. Time Counter : 15 - 16.7}

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 12, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 306, HB 80, HB 311,
1/29/2001

Executive Action:

HEARING ON SB 306

Sponsor: SEN. VICKI COCCHIARELLA, SD 32, Missoula

Proponents: Mike O'Connor, Montana Public Employee Retirement
Administration

included with other states in having a comparable pay scale for its state workers. Montana, however, had not even kept up with the other states. Montana had not even kept up with the region they were in, she said. **SEN. COCCHIARELLA** told the committee there were too many state workers who had to hold down two jobs to make ends meet and many even had to go on food stamps. She added that even local government had surpassed state government in pay. The state pay level had gone backwards over time, she said. **SEN. COCCHIARELLA** said since retirement was based on the years of service, there was no age discrimination. She told the committee that this bill did not reduce the requirement that you work for 30 years to get the full benefit.

Closing by Sponsor:

SEN. VICKI COCCHIARELLA, SD 32, Missoula closed SB 306 by telling the committee that some of the problems the state agencies deal with existed because the employees were not staying long enough due to low salaries.

HEARING ON HB 80

Sponsor: **SEN. FRANK SMITH, HD 98, Poplar**

Proponents: Robert Throssell, Montana Association of Clerk and
Recorders
Sue Haverfield, Clerk of County Recorder, Flathead
County

Opponents: Gerald Failing, Fort Peck Visiting Project
Arlyn Headdress, Fort Peck Tribes
Bill Whitehead, representing himself
Jeanette Charbenau, Fort Peck Tribes
Carol Juneau, representing herself

Opening Statement by Sponsor:

SEN. FRANK SMITH, HD 98, Poplar EXHIBIT(3), opened by telling the committee this bill would simplify a part of the election process and shared testimony **EXHIBIT(4)** by Gary Macdonald, Roosevelt County Commissioner, expressing support for this bill. **SEN. SMITH** stated people were complaining about the election process and registration. He said there was confusion about district lines and when people didn't know what precinct they were in, they did not know where to vote. He defined a residential address as the place where you reside. Under the present system, a residential address could even refer to a park bench.

Proponents' Testimony:

Robert Throssell, Montana Association of Clerk and Recorders, told the committee his association supported this bill. He added that presently, the forms do not follow-up or make it clear what the elector was supposed to provide and what would happen if the elector did not provide that residence information. Without knowing where a voter resides, it was impossible to put them into precincts and put them into the proper district to enable them to vote in the proper location. **Robert Throssell** said this bill was not an issue of not wanting people to vote, but of simply asking where the voters consider their home to be so they could be placed in the proper district.

Sue Haverfield, Clerk of County Recorder, Flathead County, told the committee they need to be able to have an address for residence so the voters could be put in the right precinct for voting.

Opponents' Testimony:

Gerald Failing, representing himself, said since the present law already states that the Clerk of County Recorder could declare the precinct for people to vote in, then a new law was not needed. He added there were also other state programs such as drivers license programs that could take care of this concern. **Gerald Failing** said this bill would be a hindrance. He urged the committee to study the National Voter's Right Act.

Arlyn Headdress, Fort Peck Tribes, EXHIBIT(5) said that his people were getting to the point of realizing the importance of registering to vote, and it was feared that this bill would deter that progress.

Bill Whitehead, representing himself, expressed concern about this bill and distributed a letter to the committee members from Margaret Campbell **EXHIBIT(6)**.

Jeanette Charboneau, Fort Peck Tribes, said she worked with the Voting Project. When voters were registered, she said, they try very hard to get the physical address of the voters before the information is given to the Clerk of Recorders; consequently, she added, the Clerk of Recorders would not have much work to do in that area. **Ms. Charboneau** stated there was no need for this bill. This bill would put an impact on rural areas and reservations, she said.

REP. CAROL JUNEAU, HD 85, told the committee this bill would be a detriment to voter registration projects and, therefore, felt this bill was not necessary. **REP. JUNEAU** distributed a letter

from Ben Spealethunder, Fort Belknap Indian Community, stating opposition to this bill **EXHIBIT(7)**. **REP. JUNEAU** requested Section 2 be eliminated if this bill was passed.

Informational Testimony:

Elaine Graveley, Deputy Secretary of State, EXHIBIT(8) said her office was willing to help implement HB 80 if passed.

Questions from Committee Members and Responses:

SEN. EKEGREN asked **REP. SMITH** if this bill was about the Native Americans or rural areas or both. **REP. SMITH** answered that this bill was not just about Native Americans. **REP. SMITH** added that since the districts changed boundaries, it was very difficult for people to know what district they were in and where to vote.

SEN. EKEGREN asked **REP. SMITH** why the reservations were not notified. **REP. SMITH** replied that in the past, the Native Americans had not been notified about issues unless they had a lobbyist keeping them informed. **REP. SMITH** agreed with **SEN. EKEGREN** that there had been some discrimination in the past. **REP. SMITH** added that people using park benches to sleep on and thus declare that bench as their place of residence might leave room for fraud by registering in more than one district and actually voting twice.

SEN. ELLIOTT asked **Sue Haverfield** what percentage of people did not have a proper address on the forms. **Sue Haverfield** responded that she had no statistical report. She said the people were contacted by letter and by phone, adding that the problem occurred when those people move.

SEN. ELLIOTT asked **Thomas Christian** if the two main concerns about this bill were (1) the worry about disenfranchisement for not providing the proper address and (2) the worry that the tribal governments were not consulted before this bill was brought forth. **Thomas Christian** agreed.

SEN. ELLIOTT asked **Thomas Christian** if there something could be done to this bill to make it acceptable to the tribes. **Thomas Christian** replied that it was important to understand the differences in how the Native Americans live their lives, how they think, and how their decisions are made. He added that this bill would give legal avenue to reject the Native American vote. **Thomas Christian** said this bill was a manipulation of the system.

SEN. KEN TOOLE asked **Bob Throssell** if he had thought about the Windy Boy case, the current litigation in Blaine County, and the Voting Rights Act for compliance with federal voting rights issues. **Bob Throssell** responded he had not.

SEN. TOOLE asked **Elaine Gravely** what happens presently when someone appears with no physical address. **Elaine Gravely** answered that they would send a copy of the form back to the P.O. Box listed, asking them to draw on the back of the card their place of residence if they did not have an actual street address.

SEN. TOOLE asked **Elaine Gravely** what they do if they cannot get the information to put them in the proper precinct. **Elaine Gravely** responded that they would put the person on temporary status, then when the person actually came in, they are registered for that precinct.

SEN. TOOLE asked **REP. SMITH** if the Human Rights Network had actually testified for this bill in the House of Representative. **REP. SMITH** answered they did not because they were testifying on another bill at the time.

SEN. TOOLE asked **REP. SMITH** if the Human Rights Network supported this bill. **REP. SMITH** answered that, yes, they did.

SEN. BOHLINGER expressed concern to **REP. SMITH** about this bill not being discussed with the tribal government first. **SEN. BOHLINGER** said it appeared the tribes felt left out of the process. **REP. SMITH** responded that some of the tribal board members he had talked to had supported this bill. **REP. SMITH** said he thought someone misinterpreted the intent of this bill.

SEN. DON HARGROVE asked **REP. SMITH** if the new Section - part 2 - was because the tribal government was a separate government and, therefore, needed to be notified. **REP. SMITH** answered that was correct, however, in the past, they weren't advised on many things.

SEN. HARGROVE asked **Robert Throssell** if it would be reasonable to make the people responsible for deciding what precinct they lived in. **Robert Throssell** said in response to the precinct designation, the problem was that the people many times don't know what precinct they live in.

Closing by Sponsor:

SEN. FRANK SMITH, HD 98, Poplar closed HB 80.

HEARING ON HB 311

Sponsor: REP. GAY ANN MASOLO, HD 40, Townsend

Proponents: Duane Halverson, representing himself

Opponents: None

Opening Statement by Sponsor:

REP. GAY ANN MASOLO, HD 40, Townsend, said this bill would strive for a more uniform evacuation plan in the case of fires.

Proponents' Testimony:

Duane Halverson, representing himself, said there were three types of evacuation procedures: (1) the designated person would tell the resident that they needed to leave, but the resident could choose whether they wanted to leave or stay, (2) the same format, but the resident could sign a form saying they had been notified, but didn't want to leave, and (3) a mandatory leave with no choice given upon which handcuffs and two guards would be used to remove the resident. Duane Halverson added that he wanted to present a more uniform evacuation procedure. He told the committee that he lived in an area that was evacuated during the fires of the summer of the year 2000. Duane Halverson told the committee that he was ordered to leave his property during the fires, but since he had equipment ready, water stored to help fight the fire, and had fought fires in the past, he chose to stay on his property. He added that he was not proud of the fact that when ordered to leave, he showed them that he was armed in the hopes of diffusing the situation immediately. He said that may have been a poor choice on his part to handle the situation that way. Duane Halverson said it was his choice to attempt to save and protect his property. He said in this bill, he would like to present an evacuation procedure that would be uniform and wouldn't be left up to the individual's judgement at the time. He would like a consistent policy. Duane Halverson said under current law regarding evacuation, people were addressed only once. This bill would give the evacuation personnel a frame of reference. Mr. Halverson stated he had met with Governor Martz, the sheriff's department, and the county commissioners and they all supported this concept of having some uniform policy. Duane Halverson expressed concern about how to set up liability for the officer and would like that included in Section 10-3111 in

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 14, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Fred Thomas (R)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 443, 2/7/2001

Executive Action: SB 306, SB 429, SB 370, HB 80

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON SB 306

Motion/Vote: SEN. TOOLE moved that SB 306 DO PASS. Motion carried unanimously.

that the interest for this legislation was extensive. He added that the intent of this bill was to preserve heritage.

EXECUTIVE ACTION ON SB 370

Motion: SEN. BOHLINGER moved that SB 370 DO PASS.

Discussion:

SEN. BUTCHER explained amendment SB037001.adn EXHIBIT(3). SEN. BUTCHER said this amendment raised the five years to eight years of service.

SEN. FRANKLIN stated she would like the amendment changed from eight years to five years.

SEN. TOOLE said he thought the five years pertained more to people who were appointed rather than judges who were defeated.

SEN. HARGROVE said another aspect would be the Chief Justice would be trusted to appoint someone who was competent.

SEN. HARGROVE asked David Niss, legislative services, if the length of time was changed back to five years instead of the eight years stated in the amendment, would there be any reason to have the amendment. David Niss answered if it were moved back to five years, it would conflict with current statute which was eight years.

SEN. TOOLE asked if this was needed if it was already in statute somewhere else. SEN. BUTCHER replied that, yes, it was needed because they were allowed to retire at age 60 and SEN. BUTCHER wanted the judges to at least be available for service if they were going to be allowed to retire early.

Motion/Vote: SEN. BUTCHER moved that AMENDMENT SB037001.ADN BE ADOPTED. Motion carried unanimously.

Motion/Vote: SEN. TOOLE moved that SB 370 DO PASS AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON HB 80

Motion: SEN. FRANKLIN moved that HB 80 BE ADOPTED.

Discussion:

SEN. TOOLE presented the committee with information about the Montana Human Rights Network's position on HB 80. **EXHIBIT(4)**

SEN. TOOLE told the committee he opposed this bill because it allows opportunity for voter registration cards to be thrown out more easily.

SEN. BOHLINGER stated he favored what **REP. SMITH** was trying to accomplish with this bill. He added that by establishing clear addresses, people would know what precinct they were in. **SEN. BOHLINGER** said this bill was an attempt to bring clarity to voter registration and recognized that **REP. SMITH** should have talked to the Native Americans first.

SEN. EKEGREN told the committee he supported this bill, however, he felt the people should take some responsibility to properly register even if they sleep on a park bench.

SEN. BUTCHER said this bill would make good government with the voter registration requirements.

SEN. FRANKLIN stated that although she agreed with **SEN. BUTCHER**, she opposed this bill because she felt the bill did not address the problem adequately.

SEN. TOOLE said he felt this bill would run into Voter Rights Act trouble and have an adverse impact on the Native American community. **SEN. TOOLE** told the committee he felt this bill was not needed.

SEN. BUTCHER added that with rural addressing, everyone had an address.

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SEN. HARGROVE said the intent of this bill was to get more voters registered. If they did not know where any of the people lived, there would be real problems in the voting process.

SEN. HARGROVE asked **David Niss** if the bill recognized that the Native Americans were a tribal government and that was routinely put in a bill. **David Niss** said that was routinely put in bills that were suspected to possibly have an impact on reservations, but that was only recently developed as a courtesy to another government. He added that it was done because they are a separate government, but was done only as a courtesy.

SEN. TOOLE asked if some research could be done on the Voting Rights Act before the committee voted on this bill. **David Niss** responded that he could do that.

The committee agreed to continue executive action on HB 80 the following day.